

CITY CLERK
(712) 328-4616

COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING MARCH 10, 2008 7:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the February 25, 2008 regular Council meeting
- C. Resolution 08-57, setting public hearing for March 24, 2008 at 7:00 p.m. for the disposition of City property legally described as the west ½ of Lot 4, Block 13, Grimes Addition
- D. Resolution 08-58, directing the City Clerk to publish notice and setting public hearing on the plans, specifications and form of contract for the Mid-City grading, Phase I, for March 24, 2008 at 7:00 p.m.
- E. Resolution 08-59, directing the City Clerk to publish notice and setting public hearing on the plans, specifications, form of contract and cost estimate for the Downtown Streetscape – Phase VII – Broadway, for March 24, 2008 at 7:00 p.m.
- F. Resolution 08-60, directing the City Clerk to publish notice and setting public hearing on the plans, specifications, form of contract and cost estimate for the Public Works Fleet Maintenance Facility for March 24, 2008 at 7:00 p.m.

4. PUBLIC HEARINGS:

- A. Resolution 08-61, approving the plans, specifications, form of contract and cost estimate for the Valley View Greenway Trail Project
- B. Resolution 08-62, authorizing disposal of City property legally described as Lot 480, Twin Cities Plaza

5. ORDINANCES ON FIRST READING:

- A. Ordinances amending Chapter 1.40 of the Council Bluffs Municipal Code:
 - 1) Ordinance 5970, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.010 "Purposes", and enacting a new Section 1.40.010 "Purposes"
 - 2) Ordinance 5971, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.030 "Definitions", and enacting a new Section 1.40.030 "Definitions"
 - 3) Ordinance 5972, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.060 "Powers and duties", and enacting a new Section 1.40.060 "Powers and duties"



- 4) Ordinance 5973, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.080 "Unfair employment practices", and enacting a new Section 1.40.080 "Unfair employment practices"
- 5) Ordinance 5974 amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.090 "Unfair practices – Accommodations or services", and enacting a new Section 1.40.090 "Unfair practices – Accommodations or services"
- 6) Ordinance 5975, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.100 "Unfair or discriminatory practices - Housing", and enacting a new Section 1.40.100 "Unfair or discriminatory practices – Housing"
- 7) Ordinance 5976, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.110 "Unfair credit practices", and enacting a new Section 1.40.110 "Unfair credit practices"
- 8) Ordinance 5977 amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.140 "Retaliation", and enacting a new Section 1.40.140 "Retaliation"

6. RESOLUTIONS:

- A. Resolution 08-49, approving the annual budget for the fiscal year ending 2009 (7-1-2008 thru 6-30-2009)
- B. Resolution 08-63, authorizing the Mayor and City Clerk to enter into an agreement and award bid to Leazenby Construction for the Council Bluffs Recreation Complex Project
- C. Resolution 08-64, accepting the work of Eimco Water Technologies in connection with the procurement of the integrated fixed film/activated sludge system and fine bubble DA equipment for the Secondary Treatment System Improvement and authorizing the Interim Finance Director to issue a City check in the amount of \$49,241.95
- D. Resolution 08-65, authorizing the Mayor and City Clerk to execute an agreement with MFT Construction, Inc. for the 10th Avenue Storm Sewer Improvements
- E. Resolution 08-66, authorizing the Mayor and City Clerk to execute an addendum to IDOT preconstruction agreement 2008-12-011 in connection with relocating of power line crossing South 24th Street Bridge over I-80
- F. Resolution 08-67, authorizing the Mayor to execute IDOT agreement No. 408-HBRRU-008 Project No. BRM-1642(655)—8N-78 in connection with Oak Street Fire Station Bridge over Indian Creek
- G. Resolution 08-68, awarding bid for security camera at Mid-America Center (*Note: the Council Communication and Resolution will be distributed at the Study Session*)
- H. Resolution 08-69, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Walgreens #5306 for a second violation of Iowa tobacco laws

- I. Resolution 08-70, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Hy-Vee Drugstore, 757 West Broadway, for a violation of Iowa Code Section 453A.2(1)
- J. Resolution 08-71, authorizing the Mayor and City Council to rename several roadway segments at the request of Pottawattamie County and 911 Communication Center

7. MAYOR APPOINTMENTS:

- A. Council Bluffs Airport Authority
 - 1) Appoint Rick Crowl; term to expire March 10, 2011
 - 2) Re-appoint Al Bach, Brad Knott, Steve Elliott, and Barbara Vredevelde; terms to expire on March 10, 2011
 - 3) Reappoint Dr. Kevin Jones, Bill McGinn, Dean Krueger, and John Dalton; terms to expire on March 10, 2009

8. RECEIVE AND FILE ITEMS:

- A. One Notice of Right of Expiration of Redemption, 215-217 South 10th Street
- B. One Offer to buy City property, 6th Street and Kanesville Boulevard
- C. Two Salvage Yard License Applications:
 - 1) Lake Manawa Storage, 31 Pickard Lane
 - 2) Ganeeden Metals, 1301 N. 14th Street
- D. One Storage Yard License Application – Charles W. Culp, 2230 23rd Avenue

9. CITIZEN'S LETTERS:

- A. Rev. Richard Blodgett (pastor) Emanuel Church of the Nazarene, 2309 S. 13th Street

10. APPLICATIONS FOR PERMITS AND CANCELLATIONS:

- A. Applications for renewal of liquor license for:
 - 1) Billy Cole's Memories
 - 2) Casey's General #2284
 - 3) Driftwood Inn
 - 4) Harvey's Council Bluffs Casino
 - 5) Holiday Inn & Suites
 - 6) Metro Wine & Spirits
 - 7) Mortensen's Supermarket
 - 8) No Frills Super Market
 - 9) Old River Pizza Company
 - 10) Razzle Dazzle
 - 11) Riverside Grille
 - 12) Sam's Lounge
 - 13) Speedee Mart 1512
 - 14) Sugar's Restaurant
 - 15) Super Saver IV
 - 16) Tish's Restaurant
- B. Application of new liquor license:
 - T's Tavern, 2400 9th Avenue (formerly Shubby's)
- C. Application for Iowa Retail Cigarette/Tobacco Permit:
 - 1) The Filling Station, 1531 2nd Avenue
 - 2) T's Tavern, 2400 9th Avenue

11. CITIZENS REQUEST TO BE HEARD:

12. ADJOURNMENT

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor Thomas P. Hanafan at 7:00 p.m. on Monday, February 25, 2008.
ATTENDANCE	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia L. Worden, Deputy City Clerk.
CONSENT AGENDA	Walsh and Bates moved and seconded approval of the Consent Agenda as read. Unanimous.
PUBLIC HEARINGS Resolution 08-49	Held Public Hearing regarding Resolution 08-49, Schultz and Branigan moved and seconded to close the Public Hearing and to continue approval of the annual budget for the Fiscal year ending 2009 (7/1/2008 thru 6/30/2009) until the regular meeting on March 10, 2008 at 7:00 p.m. VOICE VOTE: 3 Aye (Belt, Branigan, Walsh) 2 Nay (Bates, Schultz).
Resolution 08-50	Held Public Hearing regarding Resolution 08-50, approving the plans, specification, form of contract and cost estimate for the Parkwood Circle Structure Crossing. Belt and Branigan moved and seconded approval of Resolution 08-50. Unanimous.
Resolution 08-51	Held Public Hearing regarding Resolution 08-51, approving the plans, specification, form of contract and cost estimate for the fiber and PTZ camera installation. Belt and Walsh moved and seconded approval of Resolution 08-51. Unanimous.
ORDINANCE ON THIRD READING Ordinance 5969	Walsh and Branigan moved and seconded approval of Ordinance 5969, amending Chapter 2.08 "Schedule of Fees" of the 2005 Municipal Code, by amending Section 2.08.070 "Parks and Recreation Fees and Charges", increasing fees to address the rising costs of maintenance and fuel, and future improvements and concur with the recommendation made by Ronald Hopp, Director of the Parks, Recreation and Public Property Department, regarding the lighting charges and to lower the rental fee to \$75.00 per day for fields 7, 8 and 9. VOICE VOTE: 3 Aye (Belt, Branigan, Walsh) 2 Nay (Bates, Schultz). Ordinance 5969 passes into law as amended. VOICE VOTE: 3 Aye (Belt, Branigan, Walsh) 2 Nay (Bates, Schultz).
RESOLUTIONS Resolution 07-459	Branigan and Walsh moved and seconded approval of Resolution 07-459, authorizing the Mayor to execute an Agreement with the Historical General Dodge House, Inc. and the Historic General Dodge House Foundation, Inc. Unanimous.
Resolution 08-52	Branigan and Walsh moved and seconded approval of Resolution 08-52, amending the schedule of City Council meeting dates in 2008. Unanimous.
Resolution 08-53	Branigan and Walsh moved and seconded approval of Resolution 08-53, imposing penalties against Driftwood Inn for violation of Iowa Code Chapter 123 and/or Council Bluffs Municipal Code Section 3.08.190(01) for selling or dispensing alcohol to an intoxicated person. Unanimous.

RECORD OF PROCEEDINGS

- Resolution 08-54** Walsh and Bates moved and seconded approval of Resolution 08-54, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Shubby's, 2400 9th Avenue, for a violation of Iowa Code Section 453A.2(1). Unanimous.
- Resolution 08-55** Belt and Walsh moved and seconded approval of Resolution 08-55, accepting the work of Leazenby Construction, Inc., in connection with the 29th Avenue Reconstruction project and authorizing the Interim Finance Director to issue a City check in the amount of \$15,655.20. Unanimous.
- Resolution 08-56** Bates and Belt moved and seconded approval of Resolution 08-56, adopting a revised FY 2008-2009 thru FY 2012-2013 Capital Improvement Program. Unanimous.
- RECEIVE AND FILE ITEMS** Bates and Walsh moved and seconded approval of Receive and File Items 7A – 7D. Council Member Belt questioned if the City has any responsibility in the property assessment process (Item 7D); City Attorney Wade advised Council he would look into the matter. Unanimous.
- APPLICATIONS FOR PERMITS AND CANCELLATIONS** Walsh and Bates moved and seconded approval of Items 8A through 8B-2. Unanimous.
- Walsh and Belt moved and seconded approval of Liquor License Renewal for Item 8B-3, Shubby's, located at 2400 9th Avenue.
VOICE VOTE: 3 Aye (Bates, Belt, Walsh) 2 Nay (Branigan, Schultz).
- Walsh and Bates moved and seconded approval of a license conditional upon approval by all departments for a new Class "B" Beer Permit Application concerning Addendum Item B-4, The Filling Station, 1531 2nd Avenue. Unanimous.
- ADJOURNMENT** Schultz and Bates moved and seconded adjournment at 7:47 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Deputy City Clerk

Council Communication

Department: Community Development Offer To Buy City Property Applicant: Habitat for Humanity	Resolution of Intent No. <u>08-57</u> Resolution to Dispose No. _____	Set Public Hearing: 03/10/08 Public Hearing: 03/24/08
Subject/Title Request of Habitat for Humanity to purchase 924 Avenue C (Legal Description: The West 1/2 of Lot 4, Block 13, Grimes Addition).		
Background/Discussion Habitat for Humanity has submitted an Offer to Buy the property at 924 Avenue C, legally described as the West 1/2 of Lot 4, Block 13, Grimes Addition. The City acquired the property pursuant to a Court Order filed in November, 2007. This property measures 33 feet by 90 feet and is zoned R-2/Two Family Residential. Upon acquisition, Habitat will also acquire the property at 920 Avenue C, which is the East 1/2 of Lot 4. This will result in a 66 foot x 90 foot lot. A single family structure will then be constructed on site.		
Recommendation The Community Development Department recommends disposal of the West 1/2 of Lot 4, Block 13, Grimes Addition to Habitat for Humanity for a value equal to the City's demolition costs plus any outstanding levies on the property.		
Attachment: Picture and location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-57

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS THE WEST 1/2 OF LOT 4, BLOCK 13, GRIMES ADDITION.

WHEREAS, the City has received an offer to buy 924 Avenue C, legally described as the West 12/ of Lot 4, Block 13, Grimes Addition, and

WHEREAS, the Mayor and city staff recommends disposal of the above-referenced property under the terms and conditions set forth in the offer to buy.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its intent to dispose of City property legally described as the West 1/2 of Lot 4, Block 13, Grimes Addition, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for March 24, 2008.

ADOPTED

AND

APPROVED: March 10, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

OFFER TO BUY - 924 AVENUE 'C'





Council Communication
March 10, 2008 City Council Meeting

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>08-58</u>	Date: <u>March 10, 2008</u>								
Subject/Title										
Mid-City Trail Grading, Phase I										
Location										
Lots bounded by Avenue B, Creek Top, 13 th Street and 12 th Street and Lots bounded by 13 th Street, Broadway viaduct and Railroad Tracks to the east and south										
Background/Discussion										
<p><u>Background</u></p> <p>The Mid-City Railroad Corridor project area is a 36 block area encompassed on the north by Avenue G; on the south by 5th Avenue; on the west by Indian Creek and 13th Street; and on the east by 10th Street. The City has been working on the acquisition and demolition of vacant and blighted properties in the area for eventual redevelopment. Redevelopment efforts include the extension of the City's trail system, realignment and construction of public infrastructure, railroad consolidation and the development of open space and recreational uses. To date 34 properties have been acquired in the area. With these acquisitions, enough land has been accumulated to grade and seed several areas so they are more presentable and can be easily maintained.</p> <p><u>Discussion</u></p> <p>The Mid-City Trail Grading, Phase I will involve grading lots bounded by Avenue B, Creek Top, 13th Street and 12th Street and lots bounded by 13th Street, Broadway viaduct and Railroad Tracks to the east and south. Upon completion of grading the parcels would be seeded with a low growing wild flower mix. The Community Development Department has determined a timeline for the Mid-City Trail Grading, Phase I. It is anticipated that existing project fund balances will be sufficient to pay for project costs. In order to proceed, we are asking City Council to set a public hearing on the plans, specifications and form of contract. This public hearing shall be held on March 24, 2008 at 7:00 p.m. in the City Council chambers. The rest of the timeline shall be as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: right;">April 17, 2008</td> <td>Bid opening</td> </tr> <tr> <td style="text-align: right;">April 28, 2008</td> <td>City Council award</td> </tr> <tr> <td style="text-align: right;">May 1, 2008</td> <td>Start construction work</td> </tr> <tr> <td style="text-align: right;">June 27, 2008</td> <td>Construction work complete</td> </tr> </table>			April 17, 2008	Bid opening	April 28, 2008	City Council award	May 1, 2008	Start construction work	June 27, 2008	Construction work complete
April 17, 2008	Bid opening									
April 28, 2008	City Council award									
May 1, 2008	Start construction work									
June 27, 2008	Construction work complete									
Staff Recommendation										
The Community Development Department recommends approval of the resolution directing the City Clerk to publish notice and set a public hearing on the plans, specifications and form of contract for the Mid-City Grading, Phase I.										
Attachments										
Plans, specifications and form of contract for the Mid-City Grading, Phase I have been attached for consideration.										

Submitted by: Tina Hochwender, Project Coordinator, Community Development Department
 Approved by: Donald D. Gross, Director, Community Development Department

RESOLUTION NO. 08-58

A RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH NOTICE AND SETTING A PUBLIC HEARING ON THE PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE MID-CITY GRADING, PHASE I.

WHEREAS, The City wishes to make improvements known as the Mid-City Grading, Phase I within the City, as therein described; and

WHEREAS, This project will involve 13th Street and Avenue B grading – Lots bounded by Avenue B, Creek Top, 13th Street and 12th Street and lots bounded by 13th Street, Broadway viaduct and Railroad Tracks to the east and south; and

WHEREAS, Such improvements are required to prepare the site for seeding and continued maintenance; and

WHEREAS, The plans, specifications and form of contract for the Mid-City Grading, Phase I are on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby directed to set a public hearing on March 24, 2008 at 7:00 p.m. on the plans, specifications and form of contract for Mid-City Grading, Phase I.

ADOPTED

AND

APPROVED: March 10, 2008

Thomas P. Hanafan Mayor

ATTEST:

Judith H. Ridgeley City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY09-09
Applicant _____

Ordinance No. _____
Resolution No. 08-59

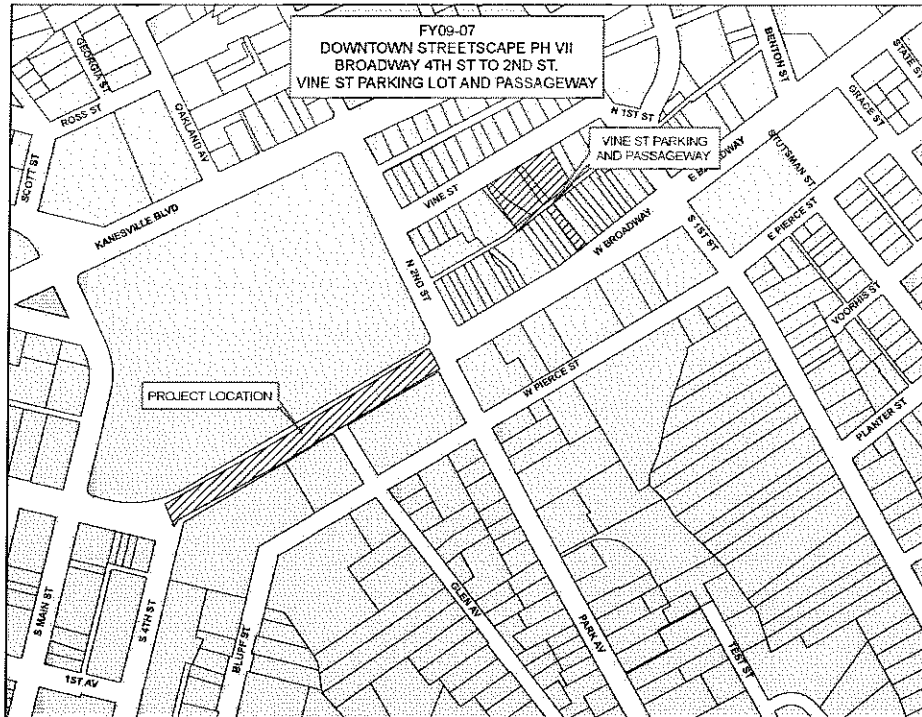
Council Action: March 10, 2008

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on March 24, 2008 for the Downtown Streetscape-Phase VII-Broadway.

BACKGROUND/DISCUSSION

- The city, in partnership with Iowa West Foundation has implemented a program to rebuild the downtown public infrastructure and incorporate a streetscape theme. Six phases have been completed to date. The first phase was in 1998 and the sixth was in 2003.
- To date the total cost of the program is \$10,266,000.
- Proposed is Phase VII overall and Phase I of II for the Broadway section. Phase I is from 4th Street to 2nd Street and Phase II is from 2nd Street to 1st Street.
- Improvements in Phase VII include street, storm sewer, and sanitary sewer replacement. Streetscape amenities include landscaping, irrigation, walls, entry columns, interpretive elements, benches, street lights, and decorative concrete and brick.
- The scope of Phase VII also includes rehab of the Vine Street parking lot and the alley behind the 100 block of West Broadway. The passageway that connects the 100 block to the Vine Street parking lot will also be improved.
- This is project FY09-07 in the CIP and total cost of the project is estimated at \$2,100,000. The city has programmed \$1,050,000 in FY09 GO Bonds. There is an Iowa West Foundation grant for \$1,050,000.
- Project schedule provides for a public hearing March 24th, letting April 17th, award of contract April 28th, and construction completion by the end of 2008.



RECOMMENDATION

Approval of this resolution.


Greg Reeder, Public Works Director/City Engineer

The Honorable Thomas P. Hanafan, Mayor

Notice of Public Hearing
on the
Plans, Specifications, Form of Contract and Cost Estimate
for the
Downtown Streetscape-Phase VII-Broadway
FY09-09

A public hearing will be held on March 24, 2008, at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed plans, specifications, form of contract and cost estimate for the Downtown Streetscape-Phase VII-Broadway project. At said hearing, any interested person may appear and file objections to such plans and specifications.

By Order of the City Council

of the

City of Council Bluffs, Iowa

Judith Ridgeley, City Clerk

RESOLUTION

No. 08-59

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
DOWNTOWN STREETSCAPE-PHASE VII-BROADWAY
FY09-09**

WHEREAS, the City wishes to make improvements known as the
Downtown Streetscape-Phase VII-Broadway, within
the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications,
form of contract and cost estimate for the Downtown Streetscape – Phase VII - Broadway
setting March 24, 2008, at 7:00 p.m. as the date and time of said hearing.

ADOPTED

AND

APPROVED: March 10, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY08-36
Applicant: _____

Ordinance No. _____
Resolution No. 08-60

Council Action March 10, 2008

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on March 24, 2008, for the Public Works Fleet Maintenance Facility.

BACKGROUND/DISCUSSION

- The existing fleet maintenance facility has been located at 12th Street and 2nd Avenue since 1984. The 11,850 square foot building was originally built by the phone company.
- The existing building and site are too small and antiquated to meet the needs of the fleet maintenance program for the city. Fleet Maintenance maintains all department vehicles including police and fire. The building cannot accommodate the volume, size, and complexity of today's public vehicles.
- Building deficiencies include functional, mechanical and environmental conditions (ventilation, heating, air conditioning, plumbing), and electrical.
- The conclusion of an analysis was a new facility was required.
- In 2002, the city acquired the 2.24 acre old CO-OP site at 8th Street & 10th Avenue for an expansion of Public Works facilities. Currently, sewer department pump station maintenance crews and the Parks Dept. building maintenance crews operate at that location.
- In Spring, 2007, the city acquired an additional 7.6 acres to the west of the CO-OP parcel. The long range plan is for all public works facilities to be relocated to this area.
- Fall of 2007, the city awarded a contract for site preparation of the area to site a new fleet maintenance facility.
- The proposed Fleet Maintenance facility is about 25,000 square feet and contains 12 bays for vehicle maintenance as well as storage and office space.

- This is project FY08-36 in the CIP.

Project Costs are:

Land	\$ 525,000
Building	\$3,920,000
Off Site Utilities	\$ 600,000
Engineering	\$ 406,000
Contingency	\$ <u>549,000</u>

Total	\$6,000,000
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Project Funding

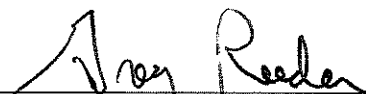
FY07 Gaming-Capital	\$ 775,000
FY08 Gaming-Capital	\$2,300,000
FY09 Gaming-Capital	\$1,300,000
FY08 G.O. Bonds	\$ 700,000
FY09 Sales Tax	\$ 600,000
FY08 Gaming-Depreciation	\$ 150,000
FY09 Gaming-Depreciation	\$ <u>200,000</u>

Total Funding	\$6,025,000
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- Project Schedule provides March 24th Public Hearing; May 6th Letting; May 19th Contract Award, and construction completion Spring 2009.

RECOMMENDATION

Council consideration of a resolution setting a public hearing for 7:00 p.m. on March 24, 2008, for the Public Works Fleet Maintenance Facility.



Greg Reeder, Public Works Director/City Engineer

The Honorable Thomas P. Hanafan, Mayor

R E S O L U T I O N

No. 08-60

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
PUBLIC WORKS FLEET MAINTENANCE FACILITY
FY08-36**

WHEREAS, the City wishes to make improvements known as the Public Works Fleet Maintenance Facility, within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Public Works Fleet Maintenance Facility setting March 24, 2008, at 7:00 p.m. as the date and time of said hearing.

ADOPTED

AND

APPROVED March 10, 2008


Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: Parks, Recreation and Public Property	Ordinance No. Resolution No. <u>08-61</u>	Council Action: <u>3/10/2008</u>
Case/Project No.		
Applicant: Ronald Hopp		
Subject/Title		
Council consideration of a resolution approving the plans, specification, form of contract and cost estimate for the Valley View Greenway Trail and setting bid date for April 8, 2008, 2:00 P.M.		
Background/Discussion		
<ul style="list-style-type: none">• On September 24, 2007, the City Council authorized an agreement with HGM Associates Inc., for engineering and design services for the Valley View Greenway Trail project. HGM Associates Inc., has prepared the plans and specifications for the project.• The proposed 10' wide concrete trail will be located on the east bank of Mosquito Creek in the floodway between Valley View Park and McPherson Avenue. The design will include a meandering trail with rest nodes and landscape plantings/linear park elements.• The funding sources are a REAP grant for \$200,000 and designated trail monies from the CIP.• The Engineers Preliminary Opinion of Probable Cost is \$196,260.00.		
Recommendation		
I recommend that the City Council adopt the resolution.		



Ronald Hopp, Director
Parks, Recreation and Public Property

Mayor Thomas P. Hanafan

RESOLUTION NO. 08-61

RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, FORM
OF CONTRACT AND COST ESTIMATE FOR THE VALLEY VIEW
GREENWAY TRAIL PROJECT.

WHEREAS, the plans, specifications, form of contract and cost estimate are on file
in the office of the City Clerk of the City of Council Bluffs, Iowa, for the
Valley View Greenway Trail Project; and

WHEREAS, a Notice of Public Hearing was published as required by law, and a Public
Hearing was held on March 10, 2008.

BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the Valley
View Greenway Trail Project and the City Clerk is hereby authorized to advertise for bids for said
project.

ADOPTED
AND
APPROVED March 10, 2008

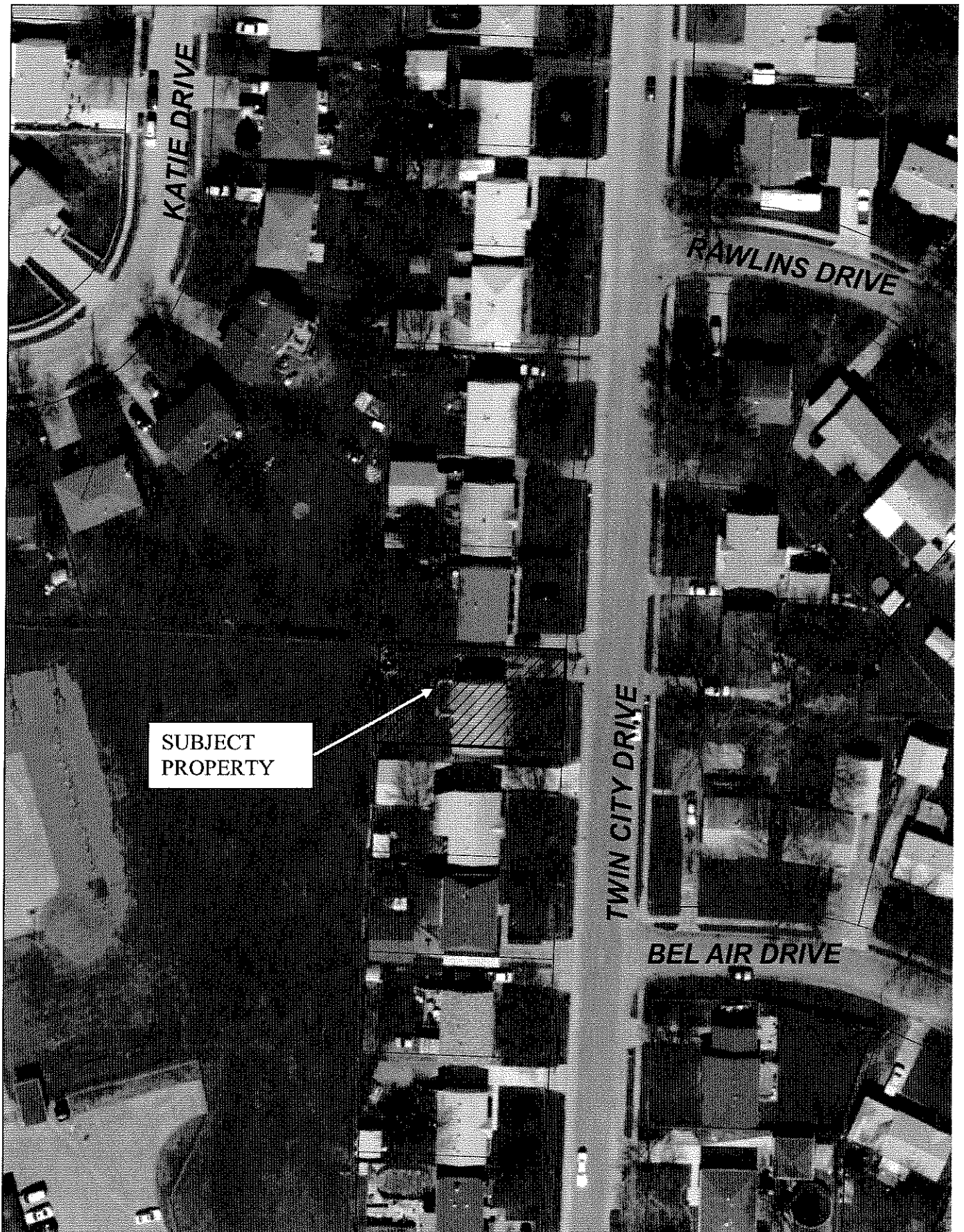
Thomas P. Hanafan Mayor

Attest:

Judith Ridgeley City Clerk

Council Communication

Department: Community Development Offer To Buy City Property Applicant: Community Housing Investment Corporation (CHIC)	Resolution of Intent No. _____ Resolution to Dispose No. <u>08-62</u>	Set Public Hearing: 02/25/08 Public Hearing: 03/10/08
Subject/Title		
Request of Community Housing Investment Corporation to purchase 3802 Twin City Drive (Legal Description: Lot 480, Twin Cities Plaza)		
Background/Discussion		
<p>Community Housing Investment Corporation (CHIC) has submitted an Offer to Buy the City owned property at 3802 Twin City Drive, legally described as Lot 480, Twin Cities Plaza. The City acquired the property after the residential structure was destroyed by a fire and the property abandoned by the owner. The cost incurred by the City to date is \$5,125.00.</p> <p>CHIC would like to purchase the property, construct a new single family structure and sell it to a buyer qualified under Infill and HUD guidelines within 12 months.</p> <p>This property measures 55 feet by 110 feet and is zoned R-1/Single Family Residential.</p>		
Recommendation		
The Community Development Department recommends disposal of Lot 480, Twin Cities Plaza to CHIC for the sum of \$5,125.00 plus any outstanding levies on the property.		
Attachment: Location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



OFFER TO BUY - CHIC

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-62

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 480, TWIN CITIES PLAZA.

WHEREAS, this City Council previously expressed its intent to dispose of 3802 Twin City Drive, legally described as Lot 480, Twin Cities Plaza; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Community Housing Investment Corporation and all successors in interest: Lot 480, Twin Cities Plaza for the sum of \$5,125.00 (Five Thousand One Hundred Twenty Five and no/100 dollars) plus any outstanding levies on the property.

ADOPTED
AND
APPROVED: March 10, 2008

Thomas P. Hanafan Mayor

ATTEST: _____
Judith H. Ridgeley City Clerk

Council Communication

Department: Legal Case/Project No. Applicant.	Ordinance Nos. <u>5970, 5971, 5972,</u> <u>5973, 5974, 5975, 5976 and 5977</u>	First Reading <u>3/10/2008</u> Second Reading _____ Third Reading _____
Subject/Title Ordinances adding sexual orientation and gender identity to the list of protected classes identified in Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code.		
Background/Discussion Our current Municipal Code prohibits discrimination on the basis of race, color, religion, creed, sex, national origin, age, or mental or physical disability in connection with employment, public accommodations, housing, and credit. Up until last July, this was consistent with State Code. At that time, the State of Iowa, through the passage of legislation, added sexual orientation and gender identity to the list of protected classes. The purpose of this series of ordinances is to keep the Council Bluffs Municipal Code consistent with State law to avoid confusion and inconsistencies.		
Recommendation It is the recommendation of the Council Bluffs Civil Rights Commission and the City Legal Department that these ordinances be passed into law.		

Richard Wade, City Attorney

Department Head Signature

Mayor Signature

5A (1)

ORDINANCE NO. 5970

AN ORDINANCE to amend Chapter 1.40 Council Bluffs Civil Rights Commission”, of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 1.40.010 “Purposes”, and enacting a new Section 1.40.010 “Purposes.”.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.40 “Council Bluffs Civil Rights Commission” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 1.40.010 “Purposes” and enacting a new Section 1.40.010 “Purposes”, to read as follows:

“1.40.010 Purposes. The purposes of the city in enacting this chapter are:

- (1) To secure for all individuals within the city, freedom from discrimination because of race, color, religion, creed, sex, sexual orientation, gender identity, national origin, age or mental or physical disability in connection with employment, public accommodations, housing and credit; and thereby to protect the personal dignity of these individuals, to ensure their full productive capacities, to preserve the public safety, health and general welfare, and to promote the interest, rights and privileges of individual citizens within the city;
- (2) To provide for the execution within the city of policies embodied in the Iowa Civil Rights Act of 1965 and in the Federal Civil Rights Act, and to promote cooperation between the city and the state and federal agencies enforcing those acts;
- (3) To provide, at the local level, a civil rights commission dedicated to the following: effective enforcement of this chapter; service as a source of information to employers, laborers, businessmen, employees, tenants and other citizens relative to various civil rights legislation and regulations; and active assistance to prevent and eliminate the effects of discriminatory acts and practices.”

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5655, § 1 (part), 2001).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: March 10, 2008
Second Consideration: _____
Public Hearing: _____
Third Consideration: _____

ORDINANCE NO. 5971

AN ORDINANCE to amend Chapter 1.40 Council Bluffs Civil Rights Commission", of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 1.40.030 "Definitions" and enacting a new Section 1.40.030 "Definitions".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.40 "Council Bluffs Civil Rights Commission" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 1.40.030 "Definitions" and enacting a new Section 1.40.030 "Definitions", to read as follows:

"1.40.030 Definitions. For the purposes of this chapter, the following words, terms and phrases are defined as follows:

- (1) "Affirmative action" means a plan whereby a set of specific result-oriented procedures are established and to which a "person" commits him/herself to apply every good faith effort to achieve. The objective of those procedures is to ensure equal opportunity in public and private employment, housing, public accommodation, credit transactions and city contracts.
- (2) "Bona fide occupational qualification (BFOQ)" means a job-related requirement which bears a demonstrable relationship to the successful performance of the job for which it is used.
- (3) "Commission" means the civil rights commission created by this chapter.
- (4) "Commissioner" means a member of the local civil rights commission.
- (5) "Complainant" means any person filing a complaint with the commission.
- (6) "Contract" means any agreement that is awarded, let, procured or entered into with, or on behalf of, the city or any awarding authority thereof.
- (7) "Contracting authority" means any city department, agency, commission, board or any authorized employee, including any purchasing agent of the city, who makes or enters into any contract agreement for the provision of any goods or services of any kind or nature whatsoever for and on behalf of the city.
- (8) "Court" means the district court in and for the judicial district of the state of Iowa in which the alleged unfair or discriminatory practice occurred, or any judge of the court if the court is not in session at the time.
- (9) "Director" means the city attorney or his or her designee.
- (10) "Disability" means a physical or mental impairment which substantially limits one or more of a person's major life activities, a record of having such an impairment or being regarded as having such an impairment. In reference to employment under this chapter, "disability" also means the physical or mental condition of a person which constitutes a

5A (2)

substantial handicap, but which is unrelated to a person's ability to engage in a particular occupation. "Disability" does not include current, illegal use of or addiction to a controlled substance.

(11) "Employee" means any person employed by an employer.

(12) "Employer" means the city of Council Bluffs or any board, commission or department thereof, and every other person employing employees within the state of Iowa.

(13) "Employment agency" means any person undertaking to procure employees or opportunities to work for any other person or any person holding him or herself to be equipped to do so.

(14) "Familial status" means one or more individuals under the age of eighteen domiciled with one of the following:

(A) A parent or another person having legal custody of the individual or individuals.

(B) The designee of the parent or other person having custody of the individual or individuals, with the written permission of the parent or other person.

(C) A person who is pregnant or is in the process of securing legal custody of the individual or individuals.

"Familial status" also means a person who is pregnant or who is in the process of securing legal custody of an individual who has not attained the age of eighteen years.

(15) "Gender identity" means a gender-related identity of a person, regardless of the person's assigned sex at birth.

(16) "Housing for older persons" means any of the following:

(A) Housing intended and operated for ninety percent occupancy by at least one person fifty-five years of age or older per unit, and providing significant facilities specifically designed to meet the physical or social needs of such person.

(B) Housing intended for and occupied solely by persons sixty-two years of age or older.

(C) Housing provided under any state or federal program specifically designated and operated to assist elderly persons (as defined in the state or federal program).

(17) "Individual" means any natural person.

(18) "Labor organization" means any organization that exists for the purpose, in whole or in part, of collective bargaining, of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

(19) "Person" means one or more individuals, partnerships associates, corporations legal representatives, trustees, receivers, employees or agents, and the city and all of this boards and commissions.

(20) "Public accommodation" means each and every place, establishment, or facility of whatever kind, nature or class which caters or offers services, facilities or goods to the general public for a fee or charge, provided that any place, establishment or facility which caters or offers services, facilities or goods to the general public gratuitously is a public accommodation if the accommodation receives any substantial governmental support or subsidy.

"Public accommodation" does not mean any bona fide private club or other place, establishment, or facility which by its nature is distinctly private, except when a distinctly private place, establishment or facility caters or offers services, facilities, or goods to the general public for a fee or charge, or gratuitously, it shall be deemed a public accommodation during such period of use.

"Public accommodation" includes each state and local government unit or tax-supported district of whatever kind, nature or class that offers services, facilities, benefits, grants, or goods to the public, gratuitously or otherwise. This paragraph shall not be construed by negative implication or otherwise to restrict any part or portion of the pre-existing definition of the term "public accommodation."

(21) "Referral" means the process by which the Iowa Civil Rights Commission notifies the local commission that a complainant has been filed with the state commission, and that the same is postponing its investigative activities for a period of sixty days while the local commission investigates and attempts to resolve the matter.

(22) "Respondent" means that person against whom a complaint has been filed with the commission.

(23) "Retaliation" means any act directed at a complainant or other person with the intent of affecting that person unfavorably because of his or her formal or informal efforts to secure or aid in securing compliance with this chapter.

(24) "Sexual orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality."

(25) "Unfair practice" or "discriminatory practice" is synonymous with, and shall be as specified, in this chapter.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5655 § 1 (part), 2001).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN

Mayor

Attest: _____

JUDITH RIDGELEY

City Clerk

First Consideration: March 10, 2008

Second Consideration: _____

Public Hearing: _____

Third Consideration: _____

ORDINANCE NO. 5972

AN ORDINANCE to amend Chapter 1.40 Council Bluffs Civil Rights Commission", of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 1.40.060 "Powers and duties" and enacting a new Section 1.40.060 "Powers and duties".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.40 "Council Bluffs Civil Rights Commission" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 1.40.060 "Powers and duties" and enacting a new Section 1.40.060 "Powers and duties", to read as follows:

1.40.060 Powers and duties. The commission shall have the following powers and duties:

- (1) To investigate and study the existence, character, causes and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, extension of credit, real estate, financial transactions and housing in the city, and to attempt the elimination of such discrimination by education and conciliation;
- (2) To advise and consult with the mayor and city council on all matters involving racial, religious, ethnic, or handicapped prejudice or discrimination in the above-listed areas;
- (3) To report to the mayor and city council relative to the actions taken by the commission as requested by the city council or initiated by the commission;
- (4) To invite and enlist the cooperation of racial, religious and ethnic groups, community organizations, labor and business organizations, fraternal and benevolent societies, veterans' organizations, professional and technical organizations, and other groups in the city in order to carry on the work of the commission. The commission may also aid in the formation of local community groups in such neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or to improve understanding in the community;
- (5) To conduct fact-finding conferences to seek settlements between the charging party and respondent prior to a formal investigation, yet subsequent to the timely filing of a charge of discrimination;
- (6) To receive, investigate, and finally determine the merits of complaints alleging unfair or discriminatory practices;
- (7) By written notice, to request the presence of any person having possession of material or real evidence for the purpose of investigating a complaint of discrimination. The written request shall be by certified mail, return receipt requested. When a person fails to provide the requested information, the commission, or its agent, may petition the district court

having jurisdiction for the issuance of a subpoena for the person to so appear, and the court shall in a proper case issue such subpoena;

(8) To hold hearings upon any complaint made against a person, an employer, an employment agency or labor organization, or the employees or members thereof, to administer oaths and take the testimony of any person under oath, and to compel such persons, employer, employment agency or labor organization, or employees or members thereof, to produce for examination any books and papers relating to any matter involved in such complaint. Such hearings may be held by the commission, by any commissioner or by any hearing officer appointed by the commission;

(9) To take the necessary remedial action, as to the judgment of the commission, to carry out the purposes of this chapter. For purposes of this subsection and pursuant to the provisions of this chapter, "remedial action" includes, but is not limited to, the following:

(A) Hiring, reinstatement or upgrading;

(B) Admission or restoration of individuals to programs and admission to a public accommodation or an educational institution;

(C) Sale, exchange, lease, rental, assignment or sublease of real property to an individual;

(D) Payment to the complainant of damages for an injury caused by the discriminatory or unfair practice, which damages shall include, but are not limited to, actual damages, court costs, and reasonable attorney fees, and the issuance of an order requiring the respondent to cease and desist from said practice;

(E) Reporting as to the manner of compliance;

(F) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the commission and inclusive of notices in advertising material;

(G) In addition to the remedies provided in the preceding provisions of this subsection, the commission may issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take such affirmative action as, in the judgment of the commission, will carry out the purposes of this section;

(H) The terms of a conciliation agreement reached with the respondent may require him or her to refrain in the future from committing discriminatory or unfair practices of the type stated in the agreement; to take remedial action as in the judgment of the commission, will carry out the purposes of this chapter; and a consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation agreement. Violation of such a consent decree may be punished as contempt by the court upon showing by the commission of the violation at any time within six months of its occurrence. In all cases where a conciliation agreement is entered into, the commission shall issue an order stating its terms and furnish a copy of the order to the complainant, respondent, and such other person(s) as the commission deems proper. At any time, in its discretion, the commission may investigate whether the terms of the agreement are being complied with by the respondent;

(10) To seek a temporary injunction against the respondent when it appears that a complainant may suffer irreparable injury as a result of alleged violations of this chapter;

(11) To issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote goodwill among the various racial, religious, ethnic and other groups within the city, and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeships and on-

the-job training programs, vocational schools, housing, or credit because of race, creed, color, sex, sexual orientation, gender identity, national origin, disability or age;

(12) To cooperate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are consistent with those of this chapter, and in the planning and conducting of programs designed to eliminate discrimination;

(13) To hold regularly scheduled meetings at the call of the chairperson of the commission or when requested by a majority of the members of the commission. The meetings of the commission shall be held at the city hall building in Council Bluffs, Iowa. The city attorney or his or her designee shall provide the commission with such staff as is deemed necessary to carry out the duties and responsibilities of the commission. The mayor or his or her designee shall designate the city fund from which the necessary expenses of the commission shall be paid;

(14) To enter into contracts with the federal and state civil rights agencies which would further the purposes of this chapter and seek from the federal equal employment opportunity commission and the federal and state civil rights commission the designation as a deferral agency, which shall have legal precedence in all other cases in its jurisdiction, except where otherwise agreed, or where a complainant requested in written form that the deferral agency not be notified;

(15) To establish and administer a positive affirmative action plan for the city, and administer any fair housing programs as are necessitated by federal and state regulations;

(16) To assist all city contracting authorities in preparing equal employment opportunity and anti-discrimination provisions for contract specifications and advise them as to the compliance records of prospective contractors;

(17) To require that all contracts entered into on behalf of the city, and all subcontractors thereon for which the consideration is in excess of fifty thousand dollars (\$50,000.00) shall contain a nondiscrimination clause barring discrimination in employment, and shall require that the public notices contain the provisions set forth therein;

(18) To require that all city agencies, boards and commissions forward to the agency all equal employment opportunity documents for review and evaluation prior to their submission thereof to any state or federal agency.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5909, § 1, 2007).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED March 10, 2008

THOMAS P. HANAFAN Mayor

Attest: JUDITH RIDGELEY City Clerk

First Consideration: March 10, 2008
Second Consideration: _____
Public Hearing: _____
Third Consideration: _____

ORDINANCE NO. 5973

AN ORDINANCE to amend Chapter 1.40 Council Bluffs Civil Rights Commission”, of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 1.40.080 “Unfair employment practices”, and enacting a new Section 1.40.080 “Unfair employment practices”.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.40 “Council Bluffs Civil Rights Commission” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 1.40.080 “Unfair employment practices” and enacting a new Section 1.40.080 “Unfair employment practices”, to read as follows:

“1.40.080 Unfair employment practices. (a) It is an unfair or discriminatory practice for any:

(1) Person to refuse to hire, accept, register, classify or refer for employment, to discharge from employment, or to otherwise discriminate in employment against any applicant for employment or an employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability of such applicant or employee, unless based upon a bona fide occupational qualification;

(2) Labor organization or the employees, agents or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights or benefits of such membership because of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability of such applicant or member;

(3) Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability are unwelcome, objectionable, not acceptable or not solicited for employment or membership unless based upon a bona fide occupational qualification. An employer, employment agency or their employees, servants or agents may offer employment or advertise for employment to only the disabled, when other applicants have available to them other employment compatible with their ability which would not be available to the disabled because of their handicap. Any such employment shall not discriminate among the disabled on the basis of race, color, creed, sex, sexual orientation, gender identity, or national origin.

(b) This section shall not apply to:

(1) Any employer who regularly employs less than four individuals. For the purpose of this subsection, individuals who are members of the employer’s family shall not be

5A(4)

counted as employees;

(2) The employment of individuals for work within the home of the employer, if the employer or a member of his or her family reside therein during such employment;

(3) The employment of individuals to render personal service to the person of the employer or members of his or her family;

(4) Any bona fide religious institution or its educational facility, association, corporation or society with respect to any qualifications for employment based upon religion when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification;

(5) This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen (18) years, unless the person is considered by law to be an adult;

(6) This section shall not apply to age discrimination in a bona fide apprenticeship employment program if the employee is over forty-five years of age;

(7) After a handicapped individual is employed, the employer shall not be required under this chapter to promote or transfer such handicapped person to another job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as a part of such agreement.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5655, § 1 (part), 2001).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED

AND

APPROVED _____

ORDINANCE NO. 5974

AN ORDINANCE to amend Chapter 1.40 Council Bluffs Civil Rights Commission", of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 1.40.090 "Unfair practices – Accommodations or services", and enacting a new Section 1.40.090 "Unfair practices – Accommodations or services".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.40 "Council Bluffs Civil Rights Commission" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 1.40.090 "Unfair practices – Accommodations or services" and enacting a new Section 1.40.090 "Unfair practices – Accommodations or services", to read as follows:

"1.40.090 Unfair practices—Accommodations or services. (a) It is an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager or superintendent of any public accommodation or agent or employee thereof:

(1) To refuse or deny any individual because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability, the accommodations, advantages, facilities, services or privileges thereof, or otherwise to discriminate against any individual because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability in the furnishing of such accommodations, advantages, facilities, services or privileges;

(2) To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of individuals of any particular race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability is unwelcome, objectionable, not acceptable, or not solicited.

(b) This section shall not apply to:

(1) Any bona fide religious institution with respect to any qualifications the institution may impose based upon religion, when such qualifications are related to a bona fide religious purpose.

(2) The rental or leasing to transient individuals of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of his or her family reside therein. (Ord. 5655 § 1 (part), 2001).

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5655, § 1 (part), 2001).

5A (5)

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: March 10, 2008
Second Consideration: _____
Public Hearing: _____
Third Consideration: _____

ORDINANCE NO. 5975

AN ORDINANCE to amend Chapter 1.40 Council Bluffs Civil Rights Commission”, of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 1.40.100 “Unfair or discriminatory practices – Housing”, and enacting a new Section 1.40.100 “Unfair or discriminatory practices – Housing”.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.40 “Council Bluffs Civil Rights Commission” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 1.40.100 “Unfair or discriminatory practices – Housing” and enacting a new Section 1.40.100 “Unfair or discriminatory practices – Housing”, to read as follows:

“1.40.100 Unfair or discriminatory practices—Housing. It is an unfair or discriminatory practice for any owner, or person acting for an owner, of rights to housing or rental property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representative by power of attorney or appointment, or any person acting under court order, deed or trust, or will:

- (1) To refuse to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or interest therein to any individual because of the race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability of such individual;
- (2) To discriminate against any individual because of his or her race, color, creed, sex, sexual orientation, gender identity, religion, national origin or disability, in the terms, conditions, and privileges of the sale, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion or interest therein;
- (3) To directly or indirectly advertise, or in any other manner indicate or publicize, that the purchase, rental, lease, assignment or sublease of any real property or housing accommodations or any part, portion or interest therein by individuals of any particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin or disability is unwelcome, objectionable, not acceptable or not solicited;
- (4) To discriminate against the lessee or purchaser of any real property or housing accommodation, or part, portion or interest in real property or housing accommodation, or against any prospective lessee or purchaser of the property for accommodation, because of the race, color, creed, religion, sex, sexual orientation, gender identity, disability, or familial status, age or national origin of individuals who may, from time to time, be present in or on the lessee’s or owner’s premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives or in any similar capacity;
- (5) The provisions of subsections (1) through (4) of this section shall not apply to the following:
 - (A) The rental, leasing or occupancy of dwellings owned or operated by a religious organization,

5A(6)

association, or society, or any nonprofit institution operated, supervised, or controlled by a religious organization, association or society, where preference in rental, leasing, or occupancy is given to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin.

(B) The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or member of the owner's family reside in one of the accommodations.

(C) The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resident in one of the housing accommodations for which the owner qualifies for the homestead tax credit under Iowa Code Section 425.1.

(D) The rental or leasing of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation, if the occupant or owner or members of that person's family reside there.

(E) Restrictions based on sex on the rental or leasing of housing accommodations by nonprofit corporation.

(F) The rental or leasing of a housing accommodation within which residents of both sexes must share a common bathroom facility on the same floor, of the building.

(6) The provisions of this section relating to "familial status" shall not apply to housing for older persons, as defined in Section 1.40.030(22);

(7) Nothing in this chapter limits the applicability of any reasonable local, state or federal restriction on the maximum number of occupants permitted to occupy a dwelling.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5655, § 1 (part), 2001).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: March 10, 2008

Second Consideration: _____

Public Hearing: _____

Third Consideration: _____

ORDINANCE NO. 5976

AN ORDINANCE to amend Chapter 1.40 Council Bluffs Civil Rights Commission", of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 1.40.110 "Unfair credit practices", and enacting a new Section 1.40.110 "Unfair credit practices".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.40 "Council Bluffs Civil Rights Commission" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 1.40.110 "Unfair credit practices" and enacting a new Section 1.40.110 "Unfair credit practices", to read as follows:

"1.40.110 "Unfair credit practices. a) It is an unfair or discriminatory practice for any:

- (1) Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds, because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, or physical disability;
- (2) Person authorized or licensed to do business in this state pursuant to Chapters 524, 533, 534, 536, or 536A of the Code of Iowa, to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to individuals of similar economic backgrounds, because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity or physical disability;
- (3) Creditor to refuse to offer credit, life or health accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability or sex, sexual orientation, gender identity. Refusal by a creditor to offer credit, life or health accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by U.S.C.A Title 20.

(b) The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5655, § 1 (part), 2001).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from

5A(7)

said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: March 10, 2008

Second Consideration: _____

Public Hearing: _____

Third Consideration: _____

ORDINANCE NO. 5977

AN ORDINANCE to amend Chapter 1.40 Council Bluffs Civil Rights Commission", of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 1.40.140 "Retaliation", and enacting a new Section 1.40.140 "Retaliation".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.40 "Council Bluffs Civil Rights Commission" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 1.40.140 "Retaliation" and enacting a new Section 1.40.140 "Retaliation", to read as follows:

"1.40.140 "Retaliation. It is an unfair or discriminatory practice for any person to:

- (1) Discharge, harass, penalize or otherwise retaliate against an individual because of that individual's attempts to secure compliance or aid in securing compliance with this chapter or the remedies provided hereunder;
- (2) Discharge, harass, penalize or otherwise retaliate with respect to employment, housing, public accommodation or financial practices against any individual because of that individual's association with persons of a particular race, religion, creed, national origin or sex, sexual orientation, or gender identity;
- (3) Discriminate against another individual in any of the rights protected against discrimination on the basis of age, race, creed, color, sex, sexual orientation, or gender identity, national origin, religion or disability by this chapter because such individual has lawfully opposed any practices forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified or assisted in any proceeding under this chapter.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5655, § 1 (part), 2001).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

5A(8)

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: March 10, 2008

Second Consideration: _____

Public Hearing: _____

Third Consideration: _____

Council Communication

Department: Finance/Mayor	Ordinance No. _____	
Case/Project No.	Resolution No. <u>R 08-49</u>	Date: <u>February 25, 2008</u> Cont till: <u>March 10, 2008</u>
Applicant.		
Subject/Title		
Approval of the FY 2008-2009 Proposed Operating Budget		
Background/Discussion		
<p>City Council has received copies of the proposed FY 2008-2009 operating budget, and public hearing was set for February 25, 2008. The Notice of the proposed budget was published in the Council Bluffs Nonpareil as required by law on February 13, 2008.</p> <p>A growth of 8.6% in the taxable valuation allows the City to address some public safety concerns and other quality of life issues while again decreasing the property tax rate by 10-cents. The proposed budget addresses higher fuel costs and grows supplies and services by 2% across all cost centers.</p> <p>This budget continues to make progress towards increasing the General Fund Cash Balance, although this goal of 25% of projected expenditures is still several years away.</p> <p>The growth in the taxable valuation has allowed the City to make a certain amount of planned growth and rebuilding of services. This is recommended only because the future appears to be able to sustain this modest growth. The current economic development climate in Council Bluffs is a positive factor for continued economic growth; an increasing tax base; providing quality jobs; improving the quality of life for our citizens; and making our community a safe place to live and work.</p>		
Recommendation		
City Council is requested to approve the proposed FY 2008-09 operating budget.		

Department Head

Mayor Signature

C A

NOTICE OF PUBLIC HEARING BUDGET ESTIMATE

FISCAL YEAR BEGINNING JULY 1, 2008 - ENDING JUNE 30, 2009

City of **Council Bluffs**, IowaThe City Council will conduct a public hearing on the proposed Budget at City Hallon 02/25/08 at 7:00 PM

(Date) xx/xx/xx

(hour)

The Budget Estimate Summary of proposed receipts and expenditures is shown below.

Copies of the the detailed proposed Budget may be obtained or viewed at the offices of the Mayor, City Clerk, and at the Library.

The estimated Total tax levy rate per \$1000 valuation on regular property \$ 18.08794The estimated tax levy rate per \$1000 valuation on Agricultural land is \$ 3.00375

At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget.

712-328-4616

phone number

Judith Ridgeley

City Clerk/Finance Officer's NAME

		Budget FY 2009	Re-estimated FY 2008	Actual FY 2007
		(a)	(b)	(c)
Revenues & Other Financing Sources				
Taxes Levied on Property	1	33,960,016	32,029,862	30,293,111
Less: Uncollected Property Taxes-Levy Year	2	329,293	433,696	-19,453
Net Current Property Taxes	3	33,630,723	31,596,166	30,312,564
Delinquent Property Taxes	4	91,500	83,819	54,359
TIF Revenues	5	3,798,000	3,597,000	1,366,274
Other City Taxes	6	18,839,120	17,457,346	16,964,321
Licenses & Permits	7	3,146,650	2,872,750	3,133,532
Use of Money and Property	8	1,060,100	1,312,020	2,157,549
Intergovernmental	9	11,819,100	12,218,412	11,946,641
Charges for Fees & Service	10	13,628,618	11,695,000	12,070,835
Special Assessments	11	203,200	195,314	203,976
Miscellaneous	12	3,523,300	16,059,499	10,876,034
Other Financing Sources	13	25,892,634	26,726,620	34,859,969
Total Revenues and Other Sources	14	115,632,945	123,813,946	123,946,054
Expenditures & Other Financing Uses				
Public Safety	15	25,042,454	24,912,305	23,748,760
Public Works	16	7,646,826	7,737,122	7,702,268
Health and Social Services	17	591,893	684,861	487,023
Culture and Recreation	18	5,493,794	5,137,524	6,396,130
Community and Economic Development	19	5,813,207	4,342,544	5,095,843
General Government	20	11,240,272	10,154,310	6,243,772
Debt Service	21	10,896,734	10,812,375	9,781,810
Capital Projects	22	22,530,000	34,830,000	20,290,299
Total Government Activities Expenditures	23	89,255,180	98,611,041	79,745,905
Business Type / Enterprises	24	14,306,265	12,351,678	14,789,858
Total ALL Expenditures	25	103,561,445	110,962,719	94,535,763
Transfers Out	26	18,802,634	17,866,620	23,584,696
Total ALL Expenditures/Transfers Out	27	122,364,079	128,829,339	118,120,459
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	28	-6,731,134	-5,015,393	5,825,595
Continuing Appropriation	29	0	0	
Beginning Fund Balance July 1	30	26,542,656	31,558,049	25,732,454
Ending Fund Balance June 30	31	19,811,522	26,542,656	31,558,049



MAYOR, THOMAS P. HANAFAN

To the Honorable Members of the City Council:

In accordance with the laws of the State of Iowa, I hereby submit my proposed budget for fiscal year 2008 – 2009. A healthy growth of 8.6% in our taxable valuation allows the City to address some public safety concerns and other quality of life issues while again decreasing the property tax rate by 10-cents. It is an exciting time to be a resident of Council Bluffs and I firmly believe that with careful planning and controlled growth the best is yet to come.

Before proposing any changes a careful analysis was made that this modest growth can be sustained in the future. In addition the proposed budget addresses higher fuel costs and grows supplies and services by 2% across all cost centers.

It is important to recognize the complexity of the budget. Governmental finances originate and disburse from a multitude of different funds. Each fund has its own rules governing the generation of the revenues and the expenditure of the funds. While flexibility exists within the General Fund, other funds such as Trust & Agency and Debt Service are much more complicated. Expenditures from these funds are dictated by law, bond market requirements, labor contracts and well established policies.

The budget document has three sections: General Information; Operating Budgets by Fund; and Operating Budgets by Cost Centers. Cost Center accounting was implemented in July 2007 allowing for the allocation of all revenue and expenditures to major governmental services or internal functions. Line item detail is provided within the sections, but only when reasonable thresholds are met. For example, only expenditures of \$10,000 or greater are given their own line item. If needed, additional line item detail can be requested from the Finance Department.

Current Financial Disposition

This budget continues to make progress towards increasing the General Fund Cash Balance. While we are realistically several years away from achieving our goal of carrying a balance equal to 25% of projected expenditures the rewards for restraint in spending are great. It is this fund balance that will allow us to survive without lay offs during periods of stagnant valuation growth. It is also an essential factor in improving the City's bond rating which will result in lower interest rates on debt. In addition it allows the City to keep the fund balance positive in the months preceding tax collections.

As with previous budget cycles, fiscal challenges persist but to a lesser degree. Revenue generation continues to be constrained by the dropping rollback. Certain costs that are either controlled by the State or are simply difficult to control, such as fuel, costs continue to rise.

Revenue Highlights

1. Residential market valuations of the City increased 9.5%
2. Commercial market valuations of the City increased 7.5%
3. Industrial and railroad market valuations of the City decreased 4.8%
4. Gas and electric utilities market valuations of the City increased by 30%
5. Agricultural market valuations of the City increased by 21%
6. Residential rollback dropped from 45.5% to 44.1%
7. Commercial rollback from 100% from 99.7%
8. Agricultural rollback of 100% to 90.1%
9. Total taxable valuation of the City increased 8.6%
10. Tax rates proposed to decrease by 10.2 cents to \$18.09

Expenditure Highlights

Maintaining the level of service provided for in the prior year's budget is always a challenge. The budget for fuel and utilities has been increased by 25%. The cost of supplies and services has been increased by 2% which will barely cover inflation. The City's most valuable asset, human capital, adds \$1.2 million for contractual wage and benefit increases.

In addition to maintaining the current level of service, this budget addresses some community concerns for additional public safety and improvement to quality of life issues. Key goals include putting more police officers on the street and providing additional recreation activities, particularly those aimed at our youth. Police staffing has been increased by \$196,413. Reinstatement of one staff member in our recreation program will cost \$64,000 with some of this cost offset by increases in fees and program revenue.

The addition of an Assistant City Attorney in the area of Civil Rights, Personnel, and Pensions is also felt to be necessary at this time. Other changes in personnel costs include increasing the hours of a part-time employee, increasing overtime in the Fire Department and increasing temporary, seasonal, and contractual wages due to the increase in Iowa's minimum wage.

Gaming Budget

Gaming revenues are budgeted at \$5.3 million. Transfers to General Fund wages and supplies are planned at \$1,500,000. The Facility Management Cost Center continues to be funded from the Gaming Fund. This allows the operational costs to mirror the volume of capital projects being financed via Gaming funds. As more Gaming funds become available for facilities, greater operational costs will be incurred within the Gaming Fund. Gaming funds are also budgeted to finance equipment replacement throughout the City.

What does the future hold?

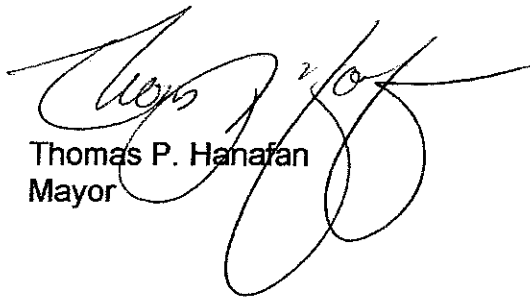
In spite of the current downward trend in U.S. economy, it appears that the strong economic development seen in Council Bluffs last year will continue well into next year and beyond. The City will continue to work closely with bargaining groups to offer competitive wages, reasonable benefits, and safe and productive work environments. The City will remain at the \$8.10 levy cap and will continue to utilize the emergency levy.

As the financial environment continues certain budget goals remain: (1) to continue recovering fund balances to reasonable levels; (2) to continue reducing the use of gaming revenues for operations; and (3) to continue reducing the use of local option sales tax revenues for debt service.

Summation

The growth in the taxable valuation has allowed the City to make a certain amount of planned growth and rebuilding of services. This is recommended only because the future appears to be able to sustain this modest growth. The current economic development climate in Council Bluffs is a positive factor for continued economic growth; an increasing tax base; providing quality jobs; improving the quality of life for our citizens; and making our community a safe place to live and work. We are indeed fortunate that progress can be made toward these goals and still allow the proposed 10-cent decrease in the tax rate.

Sincerely,



Thomas P. Hanafan
Mayor

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

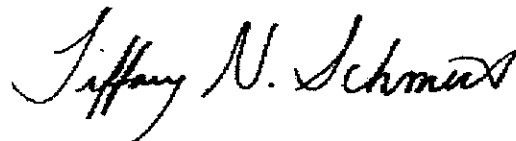
The first publication thereof

began on the 13th day of February, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 20th day of February, A.D. 2008.



Amy McKay
Daily Nonpareil Controller



Tiffany N. Schmitt
Notary Public

Filed this 20th day of February, A.D. 2008.
Publication Cost: \$ 165.66



4A

RESOLUTION NO. 08-49

**A RESOLUTION APPROVING THE ANNUAL BUDGET
FOR THE FISCAL YEAR ENDING 2009 (7-1-2008 THRU 6-30-2009)**

Be it resolved by the City Council of the City of Council Bluffs, Iowa:

The annual budget for the fiscal year ending 2009 (7-1-2008 through 6-30-2009) as set forth in the Budget Estimate Summary and in the detailed budget in support thereof showing the revenue estimates and appropriation expenditures and allocations to programs and activities for said fiscal year is adopted, and the Clerk and/or Director of Finance is directed to make filing required by law and to set up the books in accordance with the summary and details as adopted.

Adopted
And
Approved March 10, 2008

THOMAS P. HANAFAN

MAYOR

ATTEST: _____

JUDITH RIDGELEY

CITY CLERK

Council Communication

Department: Parks, Recreation and Public Property Case/Project No. Applicant: Ronald Hopp	Ordinance No. Resolution No. <u>08-63</u>	Council Action: <u>03/10/2008</u>														
Subject/Title																
Resolution authorizing the Mayor and City Clerk to execute an agreement with Leazenby Construction for the Council Bluffs Recreation Complex East parking Lot and Soccer /Sports Field expansion project.																
Background/Discussion																
<p>The City of Council Bluffs has already made a significant investment in the Council Bluffs Recreation Complex, and there are approximately 23 acres left to be developed in accordance with the master plan. There are currently extreme demands on the existing East parking lot and the soccer fields and expansion is necessary to keep up with demand. This project expands the east parking lot and creates 17.5 additional acres of soccer/multi-use sports fields.</p> <p>On March 4, 2008, seven bids were received for the Council Bluffs Recreation Complex Project. The lowest responsible bidder was Leazenby Construction with a total bid of \$874,600.59. The engineer's opinion of probable cost was \$931,119.52. The remaining bids ranged from the low bid of \$874,600.59 to a high bid of \$1,112,695.18.</p> <table style="margin-left: 40px;"> <tr> <td>• Leazenby Construction</td> <td style="text-align: right;">\$874,600.59</td> </tr> <tr> <td>• Henningsen Construction</td> <td style="text-align: right;">\$875,648.56</td> </tr> <tr> <td>• Omni Engineering</td> <td style="text-align: right;">\$879,965.86</td> </tr> <tr> <td>• MFT Construction</td> <td style="text-align: right;">\$896,128.47</td> </tr> <tr> <td>• Anderson Excavating</td> <td style="text-align: right;">\$938,463.43</td> </tr> <tr> <td>• Andersen Construction</td> <td style="text-align: right;">\$983,914.42</td> </tr> <tr> <td>• Landscapes Unlimited</td> <td style="text-align: right;">\$1,112,695.18</td> </tr> </table>			• Leazenby Construction	\$874,600.59	• Henningsen Construction	\$875,648.56	• Omni Engineering	\$879,965.86	• MFT Construction	\$896,128.47	• Anderson Excavating	\$938,463.43	• Andersen Construction	\$983,914.42	• Landscapes Unlimited	\$1,112,695.18
• Leazenby Construction	\$874,600.59															
• Henningsen Construction	\$875,648.56															
• Omni Engineering	\$879,965.86															
• MFT Construction	\$896,128.47															
• Anderson Excavating	\$938,463.43															
• Andersen Construction	\$983,914.42															
• Landscapes Unlimited	\$1,112,695.18															
Recommendation																
I recommend that the City Council adopt the resolution awarding the contract to Leazenby Construction and recommend that a 5% contingency be authorized for items that may develop during construction.																

Department Head Signature

Mayor Signature

CB



March 4, 2008

Mr. Ron Hopp, Director
City of Council Bluffs
Dept. of Parks, Recreation and Public Property
209 Pearl Street
Council Bluffs, Iowa 51503

Subject: Council Bluffs Recreation Complex, 2008 Soccer Improvements
HGM Project No. 15146

Dear Mr. Hopp:

Attached is the bid tabulation for the above referenced project.

Based upon bids received today, Leazenby Construction, Inc. had the lowest bid for Contract in the amount of \$874,600.59. I hereby recommend award of the subject project to Leazenby Construction, Inc. of Council Bluffs, Iowa.

Sincerely,
HGM ASSOCIATES INC.

A handwritten signature in black ink, appearing to read "Kyle L. Tonjes", is written over a horizontal line.

Kyle L. Tonjes, P.E.
Project Manager

Enclosure

c: Kim McKeown, P.E., HGM
Michael Rossbund, Leazenby Construction, Inc.

g:\workdata\15146 CB Rec\word excel\080304 Recommendation of award letter .doc

Bid Opening

Council Bluffs Recreation Complex Improvements

10:00 a.m. Tuesday, March 4, 2008

Date/Time	Company	Total Bid Price
9:46	Leazenby Const., Inc.	\$874,600.59
9:50	Henningesen Const., Inc.	\$875,648.56
9:37	Omni Engineering, Inc.	\$879,965.86
9:21	MFT Const., Inc.	\$896,138.47
9:44	Anderson Excavating, Co	\$938,463.43
9:59	Anderson Const., Co.	\$983,914.42
9:27	Landscapes, Unlimited, LLC	\$1,112,695.18

TABULATION OF BIDS

Project: Council Bluffs Recreation Center

Soccer and Parking Lot Addition

City of Council Bluffs, Iowa

Item #	Description	Estimated Quantities	Engineers Opinion of Probable Constr. Cost		Leasberry Construction Council Bluffs, Iowa		Hemmingson Construction Council Bluffs, Iowa		Omni Engineering Inc. Omaha, Nebraska		MFT Construction Inc. Council Bluffs, Iowa	
			Unit	Total Price	Unit	Total Price	Unit	Total Price	Unit	Total Price	Unit	Total Price
DIVISION I - PARKING LOT EXPANSION												
1-1.	Subgrade Treatment	6,776.00 SY		\$2.50		\$16,940.00						
1-2.	6" Granular Subbase	6,776.00 SY		5.00		33,880.00						
1-3.	Hot Mix Asphalt, 4" Base Course	1,472.50 TON		48.00		70,680.00						
1-4.	Hot Mix Asphalt, 2" Surface Course	734.00 TON		48.00		35,232.00						
1-5.	2.5" PCC Curb & Gutter	726.56 LF		12.00		8,718.72						
1-6.	7" Non-reinforced PCC Pavement w/Integral Curb	181.51 SY		35.00		6,332.85						
1-7.	18" PVC Storm Sewer	335.00 LF		30.00		10,050.00						
1-8.	M-A Intake	3.00 EA		1,800.00		5,400.00						
1-9.	M-A Intake	1.00 EA		1,500.00		1,500.00						
1-10.	6" PCC Sidewalk	12,084.92 SF		3.75		45,318.45						
1-11.	Parking Lot Striping and Signs	1.00 LS		4,000.00		4,000.00						
1-12.	Masonry Entrance Gate	1.00 LS		25,000.00		25,000.00						
1-13.	30" RCP Storm Sewer Class III	48.00 LF		50.00		2,400.00						
1-14.	50" RCP Pipe Apron	2.00 EA		500.00		1,000.00						
1-15.	Parking Lot Light Base Removal	3.00 EA		250.00		750.00						
1-16.	Sidewalk Removal	592.00 SY		15.00		8,880.00						
1-17.	Curb & Gutter Removal	425.00 LF		30.00		12,750.00						
1-18.	Hot Mix Asphalt Removal	72.00 SY		12.00		864.00						
1-19.	Inlet Removal	2.00 EA		200.00		400.00						
1-20.	Barriade Fence	395.00 LF		2.50		987.50						
	Subtotal Division I - Parking Lot Expansion:					\$291,103.52						

Date of Letting: Tuesday March 4, 2008
Time of Letting: 10:00 a.m.
Location: City Hall, Council Bluffs, Iowa
HGM Project No. 15146

* = Changed by Engineer

TABULATION OF BIDS

Project: Council Bluffs Recreation Center

Soccer and Parking Lot Addition

City of Council Bluffs, Iowa

Item #	Description	Estimated Quantities	Engineers Opinion of Probable Constr. Cost		Leazenby Construction Council Bluffs, Iowa		Henningson Construction Council Bluffs, Iowa		Omni Engineering Inc. Omaha, Nebraska		MFT Construction Inc. Council Bluffs, Iowa	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
DIVISION II - EARTHWORK, DRAINAGE, & SEEDING OF FIELD AREAS												
2-1.	Clearing and Grubbing	1.00 LS		\$4,000.00		\$4,000.00		\$1,100.00		\$1,100.00		
2-2.	Temporary Construction Entrance Removal	1.00 LS		2,500.00		2,500.00		3,300.00		3,300.00		
2-3.	Excavation and Borrow	1.00 LS		366,000.00		366,000.00		381,500.00		381,500.00		
2-4.	Compost Incorporation	2,290.00 CY		15.00		34,350.00		19.62		44,929.80		
2-5.	Irrigation System	1.00 LS		120,000.00		120,000.00		102,318.30		102,318.30		
2-6.	Finish Grading	1.00 LS		10,000.00		10,000.00		5,450.00		5,450.00		
2-7.	Seeding and Fertilizing	17.50 AC		2,600.00		45,500.00		928.80		16,254.00		
2-8.	Silt Fence			3,050.00 LF		3.00		1.80		5,490.00		
2-9.	Filter Tubes for Inlet Protection			2.00 EA		100.00		35.00		70.00		
	Subtotal Division II - Earthwork, Drainage, & Seeding of Field Areas:					\$591,700.00				\$560,412.10		
DIVISION III - WATER MAIN IMPROVEMENTS												
3-1.	8" Tap and Connect to Existing 16" Water Main	1.00 EA		\$4,225.00		\$4,225.00		\$3,877.50		\$3,877.50		
3-2.	90° Bend 8"	6.00 EA		322.00		1,932.00		264.73		1,588.38		
3-3.	Install 6" Meter Pit	1.00 EA		6,000.00		6,000.00		7,750.00		7,750.00		
3-4.	8" Backflow Preventer	1.00 EA		3,800.00		3,800.00		4,707.57		4,707.57		
3-5.	8" x 8" x 6" Mechanical Joint Tee	1.00 EA		425.00		425.00		336.08		336.08		
3-6.	8" Gate Valve with Box	2.00 EA		1,000.00		2,000.00		1,124.66		2,249.32		
3-7.	8" Water Main Plug	1.00 EA		150.00		150.00		116.43		116.43		
3-8.	8" DI Water Main with Polyethylene Encasement	730.00 LF		32.00		23,360.00		27.95		20,403.50		
3-9.	6" Flanged Gate Valve	2.00 EA		750.00		1,500.00		661.94		1,323.88		
3-10.	8" x 6" Mechanical Joint Reducer	2.00 EA		250.00		500.00		201.38		402.76		
3-11.	Water Main Tap For Purification	1.00 LS		100.00		100.00		225.00		225.00		
3-12.	Backflow Preventer Blow Off	1.00 EA		1,500.00		1,500.00		450.00		450.00		
3-13.	45° Bend 8"	4.00 EA		256.00		1,024.00		239.62		958.48		
3-14.	8" DI Bore Only			40.00 LF		45.00		1,800.00		36.00		
	Subtotal Division III - Water Main Improvements:					\$48,316.00				\$45,828.90		
	Total Divisions I, II, and III Total:					\$931,119.52				\$874,600.59		

Date of Letting: Tuesday March 4, 2008
Time of Letting: 10:00 a.m.
Location: City Hall, Council Bluffs, Iowa
HGM Project No. 15146

* = Changed by Engineer

TABULATION OF BIDS

Project: Council Bluffs Recreation Center

Sewer and Parking Lot Addition

City of Council Bluffs, Iowa

HGM ASSOCIATES INC.

640 5TH AVENUE, P.O. BOX 919

COUNCIL BLUFFS, IOWA 51502

Item #	Description	Estimated Quantities	Engineers Opinion of Probable Constr. Cost		Anderson Excavating Co. Council Bluffs, Iowa		Andersen Construction Co. Council Bluffs, Iowa		Landscapes Unltd., LLC Lincoln, Nebraska		AVERAGE UNIT PRICE	HIGH UNIT PRICE	LOW UNIT PRICE
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price			
DIVISION 1 - PARKING LOT EXPANSION													
1-1.	Subgrade Treatment	6,776.00 SY	\$2.50	\$16,940.00	\$1.25	\$8,470.00	\$1.14	\$7,724.64	\$1.40	\$9,486.40	\$1.15	\$1.40	\$1.01
1-2.	6" Granular Subbase	6,776.00 SY	5.00	33,880.00	6.00	40,656.00	5.74	38,894.24	7.00	47,432.00	5.82	7.00	4.90
1-3.	Hot Mix Asphalt, 4" Base Course	1,472.50 TON	48.00	70,680.00	50.00	73,625.00	51.12	75,274.20	62.00	91,295.00	51.88	62.00	49.00
1-4.	Hot Mix Asphalt, 2" Surface Course	734.00 TON	48.00	35,232.00	55.00	40,370.00	56.80	41,691.20	69.00	50,646.00	55.97	69.00	50.00
1-5.	2.5" PCC Curb & Gutter	726.56 LF	12.00	8,718.72	12.20	8,864.03	12.33	8,958.48	15.50	11,261.68	13.85	18.49	11.81
1-6.	7" Non-reinforced PCC Pavement w/Integral Curb	181.51 SY	35.00	6,352.85	53.75	9,756.16	43.17	7,835.79	62.50	11,344.38	43.34	62.50	31.91
1-7.	18" PVC Storm Sewer	335.00 LF	30.00	10,050.00	34.10	11,423.50	49.96	16,736.60	43.00	14,405.00	35.48	49.96	25.55
1-8.	M-A Inlet	3.00 EA	1,800.00	5,400.00	2,450.00	7,350.00	1,665.40	4,996.20	3,000.00	9,000.00	2,134.24	3,000.00	1,450.00
1-9.	M-H Inlet	1.00 EA	1,500.00	1,500.00	2,450.00	2,450.00	4,203.26	4,203.26	3,000.00	3,000.00	2,554.53	4,203.26	1,450.00
1-10.	6" PCC Sidewalk	12,084.92 SF	3.75	45,318.45	3.25	39,275.99	3.98	48,097.98	4.10	49,548.17	3.32	4.10	2.70
1-11.	Parking Lot Striping and Signs	1.00 LS	4,000.00	4,000.00	7,375.00	7,375.00	7,054.66	7,054.66	8,455.00	8,455.00	8,374.98	15,776.84	6,210.00
1-12.	Masonry Entrance Gate	1.00 LS	25,000.00	25,000.00	25,000.00	25,000.00	25,560.35	25,560.35	27,670.00	27,670.00	21,372.16	27,670.00	16,591.71
1-13.	30" RCP Storm Sewer Class III	48.00 LF	50.00	2,400.00	51.00	2,448.00	56.80	2,726.40	63.65	3,055.20	52.64	63.65	42.50
1-14.	30" RCP Pipe Apron	2.00 EA	500.00	1,000.00	1,117.00	2,234.00	1,022.42	2,044.84	1,405.00	1,770.00	1,000.67	1,405.00	633.20
1-15.	Parking Lot Light Base Removal	3.00 EA	250.00	750.00	1,000.00	3,000.00	227.20	681.60	590.00	1,770.00	428.17	1,000.00	100.00
1-16.	Sidewalk Removal	592.00 SY	15.00	8,880.00	3.50	2,072.00	7.95	4,706.40	4.15	2,456.80	5.08	7.95	3.00
1-17.	Curb & Gutter Removal	425.00 LF	30.00	12,750.00	8.00	3,400.00	6.82	2,898.50	6.95	2,953.75	6.29	12.21	1.50
1-18.	Hot Mix Asphalt Removal	72.00 SY	12.00	864.00	5.00	3,600.00	7.95	572.40	4.15	298.80	4.95	7.95	3.00
1-19.	Inlet Removal	2.00 EA	200.00	400.00	400.00	800.00	340.81	681.62	280.00	560.00	298.87	436.27	165.00
1-20.	Barrier Fence	395.00 LF	2.50	987.50	4.00	1,580.00	5.68	2,243.60	3.60	1,422.00	4.10	6.50	1.50
	Subtotal Division 1 - Parking Lot Expansion:			\$291,103.52		\$290,509.68		\$303,582.96		\$348,870.18			

Date of Letting: Tuesday March 4, 2008
Time of Letting: 10:00 a.m.
Location: City Hall, Council Bluffs, Iowa
HGM Project No. 15146

* = Changed by Engineer

TABULATION OF BIDS

Project: Council Bluffs Recreation Center

Soccer and Parking Lot Addition

City of Council Bluffs, Iowa

HGM ASSOCIATES INC.
640 5TH AVENUE, P.O. BOX 919
COUNCIL BLUFFS, IOWA 51502

Item #	Description	Estimated Quantities	Engineers Opinion of Probable Constr. Cost		Anderson Excavating Co. Council Bluffs, Iowa		Andersen Construction Co. Council Bluffs, Iowa		Landscapes Unltd., LLC Lincoln, Nebraska		AVERAGE UNIT PRICE	HIGH UNIT PRICE	LOW UNIT PRICE
			Unit	Total Price	Unit	Total Price	Unit	Total Price	Unit	Total Price			
DIVISION II - EARTHWORK, DRAINAGE, & SEEDING OF FIELD AREAS													
2-1.	Clearing and Grubbing	1.00 LS	\$4,000.00	\$4,000.00	\$2,000.00	\$2,000.00	\$22,720.31	\$22,720.31	\$27,700.00	\$27,700.00	\$12,472.62	\$27,700.00	\$1,100.00
2-2.	Temporary Construction Entrance Removal	1.00 LS	2,500.00	2,500.00	5,000.00	5,000.00	3,976.05	3,976.05	285.00	285.00	3,200.70	5,743.87	285.00
2-3.	Excavation and Borrow	1.00 LS	366,000.00	366,000.00	354,102.25	354,102.25	329,447.47	329,447.47	401,000.00	401,000.00	350,852.90	401,000.00	319,000.00
2-4.	Compost Incorporation	2,290.00 CY	15.00	34,350.00	27.50	62,975.00	26.98	61,784.20	19.75	45,227.50	23.45	27.50	19.60
2-5.	Irrigation System	1.00 LS	120,000.00	120,000.00	101,607.00	101,607.00	142,569.93	142,569.93	145,270.00	145,270.00	116,218.93	145,270.00	99,167.20
2-6.	Finish Grading	1.00 LS	10,000.00	10,000.00	16,000.00	16,000.00	13,632.18	13,632.18	12,500.00	12,500.00	9,278.60	16,000.00	4,500.00
2-7.	Seeding and Fertilizing	17.50 AC	2,600.00	45,500.00	1,000.00	17,500.00	1,817.62	31,808.35	1,320.00	23,100.00	1,114.36	1,817.62	860.00
2-8.	Silt Fence	3,050.00 LF	3.00	9,150.00	3.00	9,150.00	3.41	10,400.50	2.90	8,845.00	2.33	3.41	1.70
2-9.	Filter Tubes for Inlet Protection	2.00 EA	100.00	200.00	55.00	110.00	51.12	102.24	62.50	125.00	41.73	62.50	28.00
	Subtotal Division II - Earthwork, Drainage, & Seeding of Field Areas:			\$591,700.00		\$568,444.25		\$616,441.23		\$664,052.50			
DIVISION III - WATER MAIN IMPROVEMENTS													
3-1.	8" Tap and Connect to Existing 16" Water Main	1.00 EA	\$4,225.00	\$4,225.00	5,335.00	\$5,335.00	\$5,621.00	\$5,621.00	\$6,700.00	\$6,700.00	\$5,084.57	\$6,700.00	\$3,500.00
3-2.	90° Bend 8"	6.00 EA	322.00	1,932.00	451.00	2,706.00	165.67	\$994.02	570.00	3,420.00	321.93	570.00	165.60
3-3.	Install 6" Meter Pit	1.00 EA	6,000.00	6,000.00	19,828.00	19,828.00	11,019.35	\$11,019.35	25,000.00	25,000.00	18,346.66	28,131.24	7,750.00
3-4.	8" Backflow Preventer	1.00 EA	3,800.00	3,800.00	7,975.00	7,975.00	7,043.30	\$7,043.30	10,000.00	10,000.00	10,049.93	18,500.00	4,707.50
3-5.	8" x 8" x 6" Mechanical Joint Tee	1.00 EA	425.00	425.00	484.00	484.00	318.08	\$318.08	610.00	610.00	417.96	610.00	318.00
3-6.	8" Gate Valve with Box	2.00 EA	1,000.00	2,000.00	1,166.00	2,332.00	511.21	\$1,022.42	1,465.00	2,930.00	1,169.12	1,558.00	511.20
3-7.	8" Water Main Plug	1.00 EA	150.00	150.00	300.00	300.00	204.48	\$204.48	375.00	375.00	217.34	375.00	116.40
3-8.	8" DI Water Main with Polyethylene Encasement	730.00 LF	32.00	23,360.00	41.25	30,112.50	37.24	\$27,185.20	51.75	37,777.50	40.75	60.00	27.90
3-9.	6" Flanged Gate Valve	2.00 EA	750.00	1,500.00	465.00	930.00	840.65	\$1,681.30	585.00	1,170.00	769.90	1,189.60	465.00
3-10.	8" x 6" Mechanical Joint Reducer	2.00 EA	250.00	500.00	140.00	280.00	181.76	\$363.52	175.00	350.00	187.54	258.13	120.00
3-11.	Water Main Tap For Purification	1.00 LS	100.00	100.00	3,850.00	3,850.00	1,420.02	\$1,420.02	4,800.00	4,800.00	1,778.39	4,800.00	225.00
3-12.	Backflow Preventer Blow Off	1.00 EA	1,500.00	1,500.00	1,397.00	1,397.00	\$1,340.50	\$1,340.50	1,700.00	1,700.00	1,432.35	3,217.08	450.00
3-13.	45° Bend 8"	4.00 EA	256.00	1,024.00	495.00	1,980.00	284.01	\$1,136.04	625.00	2,500.00	386.67	625.00	239.60
3-14.	8" DI Bore Only	40.00 LF	45.00	1,800.00	50.00	2,000.00	113.6	\$4,544.00	61.00	2,440.00	63.92	113.60	35.00
	Subtotal Division III - Water Main Improvements:			\$48,316.00		\$79,509.50		\$63,893.23		\$99,772.50			
	Total Divisions I, II, and III Total:			\$931,119.52		\$938,463.43		\$983,917.42		\$1,112,695.18			